



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 15, 2001

Mr. Gary N. Libman, Director
Regulatory Affairs
Emerald BioAgriculture Corporation
145 Windmill Trail Road
Placitas, NM 87043

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Mr Libman:

Subject: Transfer of Pesticide Registrations From
Company Number 65626 to Company Number 70810

Pursuant to your request in your letter and transfer agreement of February 16, 2001, we have approved the transfer of the following registrations from **Mycotech Corporation**, company number 65626, to **Emerald BioAgriculture Corporation**, company number 70810.

The effective date of these changes is the date of this letter.

<u>Registered Products</u>	<u>Old EPA Reg. No.</u>	<u>New EPA Reg. No.</u>
Mycotrol ES	65626-8	70810-6
CornGard ES	65626-9	70810-7
BotaniGard 22 WP	65626-10	70810-8
Mycotrol 22 WP	65626-11	70810-9
Organigard ES	65626-12	70810-10

You should indicate the new company designation, new EPA Registration Number and new Establishment Number (if it has changed) on the labeling at the next printing which should occur no later than 18 months after the effective date of this transfer. After 18 months, any product released for shipment must bear the new Registration Number and Establishment Number. If you intend to use the labels which currently appear on the transferor's product after the effective date of the transfer, but within the 18 month grace period, you must maintain complete and accurate records which identify by batch number, lot number, or other suitable description the quantities of such product bearing the transferor's label. Each container or package bearing the transferor's label which is released after the effective date of product registration transfer, must be clearly and accurately marked with the batch number, lot number or other descriptive designation used to identify the product in your records.

Supplemental distribution agreements of registered products do not transfer with the Section 3 registration. It is your responsibility as the registrant to notify any and all supplemental distributors of the transferred product(s) of this transfer agreement. If you wish to enter into supplemental distribution agreements of your product(s) under this new registration, the form "Notice of Supplemental Distribution of a Registered Pesticide Product," EPA Form 8570-5, must be submitted to the Agency for each supplemental distributorship.

You are required to contact your local EPA Regional Office to determine what effect this transfer of pesticide registrations has on the pesticide production establishment registration.

It will not be necessary to submit labeling for review if the only changes are in the company designation and the EPA Registration Number. Other changes in the product and/or labeling may require EPA review and approval prior to initiation. In any correspondence on these products always refer to the U.S. EPA Registration Number listed above.

The transferred registration will have the same status under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 USC 136 et seq., as it had prior to the approval of this transfer.

When registrations are transferred from one company to a second company, all restrictions, data requirements, conditions (suspensions), and deadlines existing on the registrations are transferred with the registrations. The new company is responsible for adhering to or complying with all such restrictions, etc. on the acquired products.

In regard to deadlines, the transferee company is responsible for submitting all required data according to the schedules already established for the acquired products. Failure to do so will result in the issuance of a Notice of Intent to Suspend. Requests from transferee companies for additional time to submit, because they acquired the registration(s) after the 3(c)(2)(B) request was issued will not be granted. If a transferee company has other valid reasons for delays in the testing which were clearly outside of their control, then such requests for time extensions will be considered in accordance with the established procedures. Transfers occurring while a 3(c)(2)(B) request is being issued or during the 90-day response time are subject to the same conditions expressed above.

Registration is in no way to be construed as an endorsement or approval of these products by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with FIFRA.

Furthermore, the transfer of the subject registrations is approved under the condition that the annual maintenance fee obligation has been fully satisfied. The marginal maintenance fee is determined based solely on the total number of active section 3 and section 24(c) registrations held by the transferor. If the annual maintenance fee has not been fully satisfied, the transferee and transferor will be notified to comply within a specified time period or the affected registrations may be canceled.

By copy of this letter we are informing the transferor of these changes. If you have any questions about this transfer approval please contact me at (703) 305-6474.

Sincerely,



Donna G. Parker
Information Management Specialist
Information Services Branch
Information Resources & Services Div. (7504C)

cc: Mr. Clifford A. Bradley
Vice President
Mycotech Corporation
PO Box 4109
Butte, MT 59702-4109

Mr. M. Olav Messerschmidt
Vice President, Commercial Development
Auxein Corporation/Emerald BioAgriculture Corp.
3125 Sovereign Drive, Suite B
Lansing, MI 48911-4240



OK 3/15 (transfer) OWNED
RECEIVED
3/15 - Pd 3/15
Mycotech Corporation
P. O. Box 4109
Butte, MT 59702
Tel: (406) 782-2386
Fax: (406) 782-9912
Website: www.mycotech.com

February 16, 2001

Ms. Donna Parker
Documents Processing Desk (COADR)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Crystal Mall 2, Second Floor, Room 266A
1921 Jefferson Davis Highway
Arlington, Virginia 22202-4501

Subject: Request to Transfer Registrations and All Data to Emerald Bio
Mycotech Corporation (EPA Registration Number 65626)

Dear Ms. Parker:

In accordance with provisions of 40 CFR § 152.98 requesting the February 14, 2001 transfer of all Mycotech EPA registrations to Emerald Bio of Lansing, Michigan, I, Clifford Bradley, am authorized by Mycotech to bind Mycotech.

Simultaneously with the transfers of registrations, Mycotech transfers all rights to the exclusive use of data or compensation under FIFRA Section 3(c)(1)(D) to Emerald Bio.

No court order prohibits the transfer, and any required court approvals have been made. This transfer is authorized under all relevant Federal, State and local laws and all relevant corporate charters, by-laws and agreements.

Sincerely,

Clifford A. Bradley
Vice-President
Mycotech Corporation

Copy: M. Olav Messerschmidt
Vice-President, Commercial Development
Auxein Corporation /Emerald BioAgriculture Corporation

State of Montana
County of Silver Bow
Signed by Clifford Bradley, known to me, on 2-16-01
as Vice President of Mycotech Corp.

Mary McMahan
Notary for State of Montana
Residing in Butte, MT
My Commission expires
2-4-2003



EMERALD BIO

Emerald BioAgriculture Corporation

February 16, 2001

Ms. Donna Parker
Documents Processing Desk (COADR)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Crystal Mall 2, Second Floor, Room 266A
1921 Jefferson Davis Highway
Arlington, Virginia 22202-4501

Subject: Change in Company Name
Merger of Companies
Transfer of Registrations and All Data
Auxein Corporation (EPA Registration Number 70810)
Mycotech Corporation (EPA Registration Number 65626)

Dear Ms. Parker:

On February 6, 2001, Auxein Corporation of Lansing, Michigan and Mycotech Corporation in Butte, Montana merged into a new company. The new company's name is Emerald BioAgriculture Corporation (Emerald Bio).

*1-0-See
Joyce
2/16/01*
Emerald Bio's address will be that of Auxein's in Lansing, Michigan. The company contact person is Olav Messerschmidt, Vice-President of Commercial Development. His telephone number is 517-882-7370 (ext. 225) and e-mail address is messerschmidt@auxein.com. Emerald Bio requests that it maintain Auxein's EPA Company Number 70810.

As part of this merger, we also request that the EPA transfer all the Mycotech registrations and all data to Emerald Bio. In conformance with the specific requirements of 40 CFR § 152.135, the following information is given to facilitate this transfer.

1. Transferor: Mycotech Corporation of 117 South Parkmont Avenue, Butte, Montana. Mycotech is a Delaware corporation.
2. Transferee (to whom the registrations are being transferred): Emerald Bio of 3125 Sovereign Drive, Suite B, Lansing. Emerald Bio is also a Delaware corporation.

3. The product names, registration numbers and data to be transferred are as follows:

EPA Reg. No.	Product Name
65626-1	Mycotrol® GH-OF for Rangeland - Cancelled 1/99
65626-2	Mycotrol® GH-OF for Crops - Cancelled 1/01
65626-3	Mycotrol® GH-OF for Repackaging Only - Cancelled 1/99
65626-4	Mycotrol® GH-ES for Rangeland - Cancelled 1/99
65626-5	Mycotrol® GH-ES for Crops - Cancelled 1/99
65626-6	Mycotrol® GH-ES for Repackaging Only - Cancelled 1/99
65626-7	Mycotrol® WP Biological Insecticide - Cancelled 1/01
65626-8	Mycotrol® ES Biological Insecticide <i>Mycoinsecticide</i>
65626-9	CornGuard® ES Mycoinsecticide
65626-10	BotaniGuard® 22WP Wettable Powder Mycoinsecticide ✓
65626-11	Mycotrol® 22WP Wettable Powder Mycoinsecticide ✓
65626-12	Mycotrol® OC Emulsifiable Suspension Mycoinsecticide ✓

4. With this request, the transferor, Mycotech, transfers irrevocably to Emerald Bio all rights, titles and interests in Mycotech's EPA registrations and all rights to the exclusive use of data or compensation under FIFRA Section 3(c)(1)(D).
5. The transferred registrations shall not serve as collateral or otherwise secure any loan or other payment arrangement or executory promise, and that the registrations shall not revert to Mycotech unless a new transfer agreement is submitted to and approved by the Agency.
6. These requested transfers are part of the merger of Auxein and Mycotech into Emerald Bio.
7. Auxein and Mycotech understand that any false statement may be punishable under 18 U.S.C. 1001.
8. The transferee, Emerald Bio acknowledges that its rights and duties concerning the registrations under FIFRA and 40 CFR will be deemed by the EPA to be the same as those of Mycotech at the time the transfers are approved.

Sincerely,



M. Olav Messerschmidt
Vice-President, Commercial Development
Auxein Corporation /Emerald BioAgriculture Corporation



Clifford A. Bradley
Vice-President
Mycotech Corporation

3/13/01

TRANSFER ACTION REQUEST (Reserve Numbers)

Jim:

Please reserve a block of numbers on your cards to process the following transfer request:

From: ^{Myotech} ~~AUXEIN~~ Corp.
(EPA Company Number 65626)
To: AUXEIN Corp.
(Company Number 70810)

The agreement requests transfer of:

5

Registration(s)

Thanks,

Donna

70810-6

70810-7

70810-8

70810-9

70810-10

[Signature]

3/14/01

[Initials]

March 14, 2001



Ms. Donna Parker
Documents Processing Desk (COADR)
Office of Pesticide Programs 7502C
U.S. Environmental Protection Agency
Crystal Mall 2, Second Floor, Room 266A
1921 Jefferson Davis Highway
Arlington, Virginia 22202-4501

Subject: Registration Agent Notification
Emerald Bio Registration Number: 70810

Dear Ms. Parker:

This letter is to formally inform you that Emerald Bioagriculture Corporation (Emerald Bio) of Lansing, Michigan, has recently hired Gary Libman as the company's Director of Regulatory Affairs and Quality Assurance. In the U.S. EPA parlance, Mr. Libman will be Emerald Bio's registration agent. Even though the company's headquarters remain at 3125 Sovereign Drive, Lansing, Michigan, Mr. Libman's address is as follows:

Mr. Gary N. Libman
Director, Regulatory Affairs and Quality Assurance
145 Windmill Trail Road
Placitas, NM 87043
Telephone: (505) 867-8154 FAX: (505) 771-3927
E-mail: glibman@msn.com

We request that all EPA correspondences for Emerald Bio be sent to Mr. Libman at the above address. Should you have any questions, please don't hesitate to contact me at 517-882-7370.

Sincerely,

M. Olav Messerschmidt
Vice-President, Commercial Development

C: Ms. Maureen Sherrill (EPA OPP 7502C), Mr. Gary Libman

03/12/01

Reference Files System

Page: 1

Company Data Report

Company No.: 70810

Name: AUXEIN CORP

Address:

P. O. BOX 27519
LANSING, MI 489090519
USA

Contact: M OLAV MESSERSCHMIDT

Phone: (517) 366-4658

Agent: N

Consortium: N

Undeliverable: N

Company Types

Manufacturer

Active

Flag

Y

03/12/01

Reference Files System

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Company Data Report

Company No.: 65626

Name: MYCOTECH CORPORATION
ATTN: MARY M. MCMAHON

Address:
P. O. BOX 4109
BUTTE, MT 597024109
USA

Contact: MARY MCMAHON

Phone: (406) 782-2386

Agent: N
Consortium: N
Undeliverable: N

Company Types

Establishment

Active
Flag

Y

03/19/01

Reference Files System

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Company Data Report

Company No.: 70810

Name: EMERALD BIOAGRICULTURE CORPORATION

Address: 3125 SOVEREIGN DRIVE, SUITE B
LANSING, MI 489114240
USA

Contact: GARY N. LIBMAN

Phone: (505) 867-8154

Agent: Y

Consortium: N

Undeliverable: N

Company Types

Active
Flag

Agent information

Name: GARY N. LIBMAN

Address: 145 WINDMILL TRAIL ROAD
PLACITAS, NM 87043

Contact: GARY LIBMAN

Phone: (505) 867-8154